
STATUTORY INSTRUMENTS

1993 No. 1119

The Transport and Works Applications (Inland Waterways Procedure) Regulations 1993

Citation and commencement

1. These Regulations may be cited as the Transport and Works Applications (Inland Waterways Procedure) Regulations 1993 and shall come into force on 1st June 1993.

Interpretation

2. In these Regulations—

“the 1968 Act” means the Transport Act 1968(1);

“the 1992 Act” means the Transport and Works Act 1992.

Application of regulations

3.—(1) Regulations 4 and 5 below shall apply where an order under section 104(3), 105(3) or 112 of the 1968 Act (classification and maintenance of the British Waterways Board’s waterways and maintenance and use of other waterways) is required for the purposes of proposals included in an application made under section 6 of the 1992 Act (applications for orders under sections 1 and 3).

(2) Paragraph (2) of regulation 4 and regulation 5 below shall apply also where an order under any of the said sections of the 1968 Act is required for the purposes of a proposal by the Secretary of State to make an order by virtue of section 7 of the 1992 Act (orders under sections 1 and 3 made otherwise than on application).

Modification of procedures under the 1968 Act and the 1992 Act

4.—(1) Where this paragraph applies—

(a) the 1968 Act shall have effect with the modifications set out in Schedule 1;

(b) the Transport and Works (Applications and Objections Procedure) Rules 1992(2) shall have effect as if in rule 5(1) thereof, after sub-paragraph (h), there was inserted—

“(ha) a copy of the draft of any proposed order under section 104(3), 105(3) or 112 of the Transport Act 1968;”.

(2) Where this paragraph applies, the 1992 Act shall have effect with the modifications set out in Schedule 2.

Concurrent inquiries

5.—(1) Where this regulation applies and the Secretary of State causes the following inquiries to be held, namely—

(1) 1968 c. 73. Section 112 was amended for England and Wales by the Planning (Consequential Provisions) Act 1990 (c. 11), section 4 and Schedule 2, paragraph 22(3), and by the Water Act 1989 (c. 15), section 190(1) and Schedule 25, paragraph 38(2).
(2) S.I.1992/2902.

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- (a) a public local inquiry under section 11 of the 1992 Act for the purposes of an application made under section 6, or a proposal made by virtue of section 7, of that Act; and
- (b) an inquiry pursuant to section 158(1) of the 1968 Act (as modified by these Regulations) for the purposes of his functions under section 104(3), 105(3) or 112 of that Act;

such inquiries shall be held concurrently unless the Secretary of State considers it inappropriate to do so and has given a direction to that effect.

(2) Where two or more inquiries are held concurrently pursuant to paragraph (1) above, any rules made under section 9 of the Tribunals and Inquiries Act 1992⁽³⁾ applying in relation to the inquiry which is held under section 11 of the 1992 Act shall apply also in relation to the other inquiry.

Signed by authority of the Secretary of State

21st April 1993

Roger Freeman
Minister of State,
Department of Transport

(3) 1992 c. 53.